

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAVAN CHRISTIAN,	)	2:12cv1040
	)	<b>Electronic Filing</b>
Petitioner,	)	
	)	
v.	)	Judge Cercone
	)	Magistrate Judge Eddy
DEBRA K. SAUERS, Superintendent; JOHN	)	
PECK, the District Attorney of the County Of	)	
Westmoreland; and LINDA KELLY, the	)	
Attorney General of the Commonwealth of	)	
Pennsylvania,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

On July 25, 2012, the above captioned case was initiated by the filing of a Motion for Leave to Proceed *in forma pauperis* accompanied by a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on August 2, 2012 (ECF No. 3) recommending that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had fourteen days to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29<sup>th</sup> day of August, 2012:

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is  
**DISMISSED** as untimely.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 3) is  
**ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules  
of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by  
Rule 3 of the Federal Rules of Appellate Procedure.



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David Stewart Cercione  
United States District Judge

cc: Javan Christian  
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SCI Forest  
Post Office Box 945  
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Marienville, PA 16239  
(Via First Class Mail)